

Filed for intro on 02/03/2000
SENATE BILL 3018 By
Graves

HOUSE BILL 2927
By McDonald

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4 and Title 40, Chapter 35, Part 1, relative to offenses involving controlled substances and the punishment for such offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 35, Part 1, is amended by adding the following as a new section:

Section 40-35-122.

(a) Notwithstanding any other provision or this chapter to the contrary, a defendant convicted for the second or subsequent time of a violation of § 39-17-417 shall be sentenced in accordance with this section.

(b) A defendant sentenced in accordance with subsection (a) shall be required to serve at least the minimum sentence for such defendant's appropriate range of sentence. Any sentence reduction credits such defendant may be eligible for or earn shall not operate to permit or allow the release of such defendant prior to full service of such minimum sentence.

(c) A defendant sentenced pursuant to subsection (a) for a violation of § 39-17-417(c)—(h) shall not be eligible for probation pursuant to § 40-35-303, pretrial diversion pursuant to Tennessee Code Annotated, Title 40, Chapter 15, or judicial diversion pursuant to §40-35-313, until such defendant has served the entire minimum sentence for such defendant's appropriate range of sentence.

(d) The provisions of title 40, chapter 35, part 5, relative to release eligibility status and parole, shall not apply to or authorize the release of a defendant sentenced pursuant to subsection (a) prior to service of the entire minimum sentence for such defendant's appropriate range of sentence.

(e) Nothing in the provisions of title 41, chapter 1, part 5 shall give either the governor or the board of probation and parole the authority to release or cause the release of a defendant sentenced pursuant to subsection (b) prior to service of the entire minimum sentence for such defendant's appropriate range of sentence.

(f) Nothing in this section shall be construed as prohibiting the judge from sentencing a defendant convicted of a second or subsequent violation of § 39-17-417, to any authorized term of incarceration in excess of the minimum sentence for the defendant's appropriate range of sentence.

(g) For the provisions of this section to apply, at least one (1) of the defendant's violations of § 39-17-417 must occur on or after July 1, 2000.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.